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# COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My citizenship, residence and post office address are as listed below next to my name.

I believe I am the original, first and (x) sole/joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which

(a) [ ] is attached hereto.

(b) [x] was filed on July 12, 2000 as Application Serial No. 09/614305 and was amended on \_\_\_\_\_

(c) [ ] was described and claimed in International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and amended on \_\_\_\_\_

## Acknowledgment of Duty of Disclosure

I hereby state that I have reviewed and understood the content of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of the subject matter claimed in this application in accordance with Title 37, Code of Federal Regulations § 1.56(a).

## 35 U.S.C. § 120

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or 366(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| (Application Serial No.) | (Filing Date) | (Status)(patented,pending,abandoned) | (Patent No. if applicable) |
|--------------------------|---------------|--------------------------------------|----------------------------|
|                          |               |                                      |                            |

| (Application Serial No.) | (Filing Date) | (Status)(patented,pending,abandoned) | (Patent No. if applicable) |
|--------------------------|---------------|--------------------------------------|----------------------------|
|                          |               |                                      |                            |

## Power of Attorney

I hereby appoint Carl Oppedahl, PTO Reg. NO. 32,746, Marina T. Larson, PTO Reg. No. 32,038, and Nancy J. Parsons, PTO Reg. No. 40,384 of the firm of OPPEDAHL & LARSON LLP, having office at P.O. Box 5068, Dillon, CO 80435-5068 as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:



021121

PATENT TRADEMARK OFFICE

DIRECT TELEPHONE CALLS TO:

OPPEDAHL & LARSON LLP

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**Claim for Priority**

I hereby claim foreign priority benefits under 35 U.S.C. § 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign applications for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

**EARLIEST FOREIGN APPLICATION(S), FILED WITHIN TWELVE MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

| COUNTRY | APPLICATION NO. | DATE OF FILING<br>(day/month/year) | DATE OF ISSUE<br>(day/month/year) | PRIORITY CLAIMED | CERTIFIED COPY ATTACHED |
|---------|-----------------|------------------------------------|-----------------------------------|------------------|-------------------------|
| CH      | 01 222/00       | 06/20/2000                         |                                   | YES [X] NO [ ]   | YES [ ] NO [X]          |

**FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

| COUNTRY | APPLICATION NO. | DATE OF FILING<br>(day/month/year) | DATE OF ISSUE<br>(day/month/year) |  |
|---------|-----------------|------------------------------------|-----------------------------------|--|
|         |                 |                                    |                                   |  |

**Provisional Application**

I hereby claim the benefit under 35 U.S.C § 119(e) of any United States provisional application(s) listed below.

(application number)

(filing date)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|   |                                |  |                                       |
|---|--------------------------------|--|---------------------------------------|
| NAME OF SOLE OR FIRST INVENTOR            | LAST NAME<br>FISCHER           | FIRST NAME<br>DAVID                          | MIDDLE NAME                           |
| RESIDENCE & CITIZENSHIP                   | CITY OF RESIDENCE<br>Bern      | STATE OR COUNTRY OF RESIDENCE<br>Switzerland | COUNTRY OF CITIZENSHIP<br>Switzerland |
| POST OFFICE ADDRESS<br>Mühlemattstrasse 6 | CITY<br>Bern                   | STATE/COUNTRY ZIP CODE<br>Switzerland        |                                       |
| DATE<br>11.9.2000                         | SIGNATURE<br><i>D. Fischer</i> |  |                                       |

- ☐ Signature for additional joint inventor attached. Number of Pages \_\_\_\_
- ☐ Signature by Administrator(s) or legal representative for deceased or incapacitated inventor. Number of Pages \_\_\_\_
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR § 1.47. Number of Pages \_\_\_\_



The stamp of the Patent/Trademark Office hereon acknowledges receipt of the papers listed below:

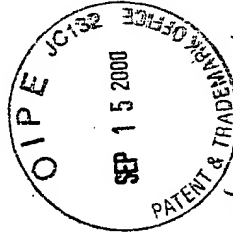
Docket No.: **FREI, P-045**

Applicant: **Fischer**

Serial No: **09/614305**

Date Mailed: **9/12/00**

Papers:



**Small Entity Statement and  
Request for Refund.**



FREI.P-045  
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fischer  
Serial No.: 09/614305  
Filed: 07/12/2000  
For: Server Monitoring

SUBMISSION OF SMALL ENTITY STATEMENT AND REQUEST FOR REFUND

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

Applicant hereby submits a small entity statement for the above-captioned application. Applicant previously paid \$690.00 in payment of the filing fee. Applicant hereby requests a refund of \$345.00. Please credit the refund to Deposit Account 15-0610.

Respectfully Submitted,

Carl Oppedahl  
PTO Reg. No. 32,746  
Attorney for Applicants  
(970) 468-6600

-----  
I hereby certify that this paper and the attachments named herein are being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on September 12, 2000.

September 12, 1000

Date of Signature

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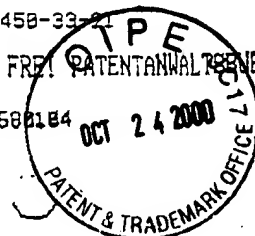
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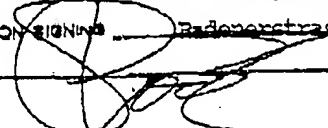
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|--|--|---------------------------|
| <b>STATEMENT CLAIMING SMALL ENTITY STATUS</b>  |  | Docket Number (Optional)  |
| <b>(37 CFR 1.8(f) &amp; 1.27(c))—SMALL BUSINESS CONCERN</b>  |  | <b>FRI P-045</b>          |
| Applicant, Patentee, or Identifier: <u>SysControl AG</u><br>Application or Patent No.: <u>09/614305</u><br>Filed or Inventor: <u>July 12, 2000</u><br>Title: <u>Server Monitoring</u>  |  |                           |
| I hereby state that I am<br><input checked="" type="checkbox"/> the owner of the small business concern identified below<br><input type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below  |  |                           |
| NAME OF SMALL BUSINESS CONCERN <u>SysControl AG</u>  |  |                           |
| ADDRESS OF SMALL BUSINESS CONCERN <u>Badenerstrasse 281</u><br><u>CH-8003 Zurich, Switzerland</u>  |  |                           |
| I hereby state that the above identified small business concern qualifies as a small business concern as defined in 37 CFR Part 1.21 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20415.   |  |                           |
| I hereby state that rights under contract at law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:  |  |                           |
| <input type="checkbox"/> the specification filed herewith with title as listed above.<br><input type="checkbox"/> the application identified above.<br><input checked="" type="checkbox"/> the patent identified above.  |  |                           |
| If the rights held by the above identified small business concern are not exclusive, each individual concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.8(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.8(d), or a nonprofit organization under 37 CFR 1.8(e). |  |                           |
| Each person, concern, or organization having any rights in the invention is listed below:<br><input type="checkbox"/> no such person, concern, or organization exists.<br><input checked="" type="checkbox"/> each such person, concern, or organization is listed below.  |  |                           |
| Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)  |  |                           |
| I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))  |  |                           |
| NAME OF PERSON SIGNING <u>Simon Poole</u>  |  |                           |
| TITLE OF PERSON IF OTHER THAN OWNER <u>Managing Director</u>   |  |                           |
| ADDRESS OF PERSON SIGNING <u>Badenerstrasse 281, 8003 Zurich</u>   |  |                           |
| SIGNATURE   |  | DATE <u>12. Sep. 2000</u> |

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